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The Advocate

The Advocate, Fordham Law School

THE ADVOCATE

– Fordham Law School's Student Newspaper since 1967 –

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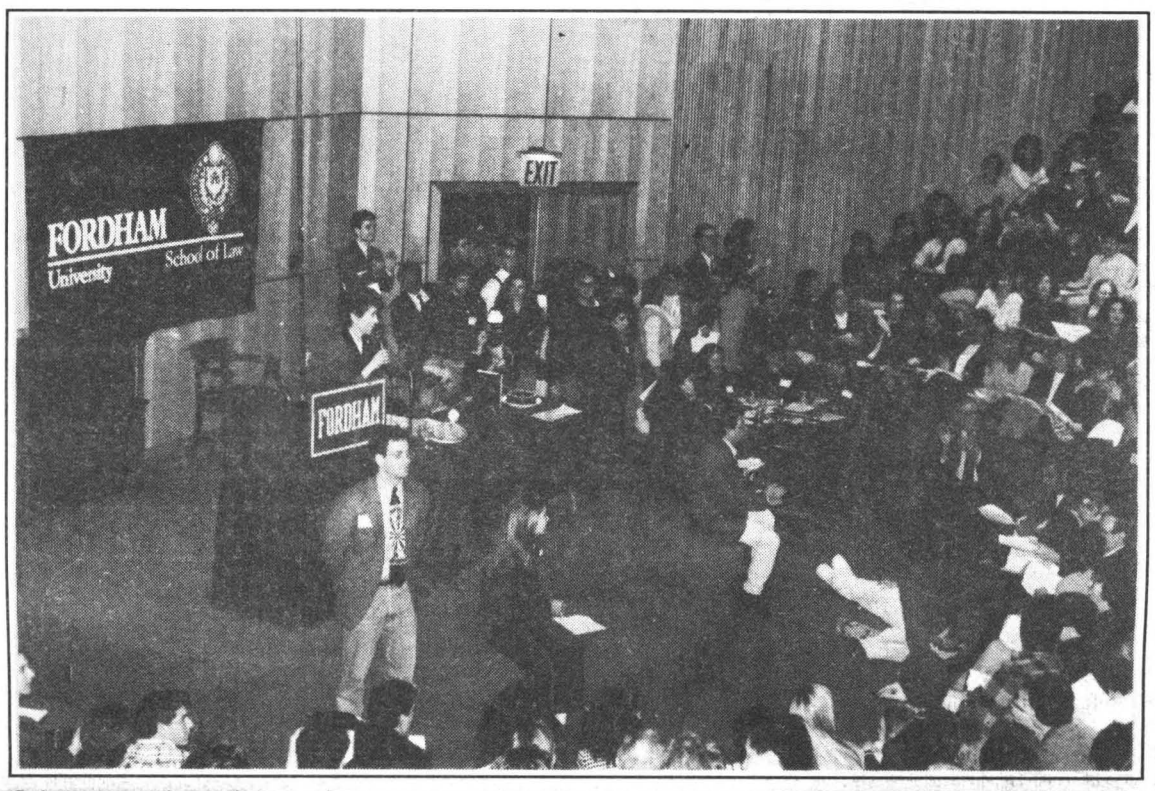
Over $30,000 raised at FSSF Auction

Astonishing Turnout Fosters a Spirit of Community and Generosity

by William Bruno

The much-heralded FSSF auction garnered over $30,000 from an enthusiastic standing-room only crowd in the McNally Amphitheatre the night of Tuesday, March 2. The purpose of the action was to raise money to financially support students who want to engage in public-interest work over the summer. As these jobs traditionally give limited, if any, remuneration, the receipt of an FSSF award can allow a student to engage in such work who otherwise couldn't afford to. Last year, such monies were allotted to students who worked at organizations such as the Legal Aid Society, Covenant House, Bronx Legal Services and Prisoner's Legal Services.

The effort was spearheaded by Judybeth Tropp, '92, one of the three directors of the Fordham Student Sponsored Fellowship. Ms. Tropp herself indicated that she had expected only 200 people to show up and the count exceeded 500. Indeed, this resulted in the only glitch in the evening which was the premature depletion of the available liquor stocks in the pre-auction reception in the Atrium. The lead auctioneer was Ms. Bernadette Castro, President and C.E.O. of Castro Convertibles. Ms. Castro is the mother of Terri Austin, '92, who, in addition to her duties as SBA President, can also occasionally be seen in television and newspaper ads for this product. Ms. Castro was assisted by an intensely enthusiastic crowd who, when a bidding contest would break out, would root-on each of the parties to up the ante and would applaud every time a sale was made. The goods and services offered ranged from dinner with professors to nights on the town with individual students to the use of vacation homes. A few of the highlights follow:



Going once, going twice, gone! Photo: M. Pearsalll

A package consisting of the unusual combination of one loaf of Irish Soda Bread and an Australian boomerang donated by Jennie Mone, '93, was bidding near the $100 mark when one Thomas J. Kavaler, LAW '72, offered a $500 bid for the package. This spontaneous generosity drew a standing ovation from the crowd.

There was only one occasion in which Ms. Castro came close to losing her rhythm and that was when her daughter put in a bid for an item consisting of "[f]ive bedtime tuck-ins, including bedtime stories and milk and cookies" which was donated by Sam Kirschner, '93. After remarking, "[t]his is the first time I'm hearing of this?" she **quickly**, and successfully, solicited bids from other members of the audience.

The auction fulfilled the ambition of at least one other individual. During the reception in the Atrium, Gordon Kerper, '92, who offered a night on the town with him as one of the items, stated "I've been up for sale since day one. I just didn't advertise it!"'

Speaking of advertising, when the night on the town with Scott Fitzgerald, '92, was on the block, Mr. Fitzgerald had a flyer circulated entitled "A DREAM DATE WITH SCOTT FITZGERALD." The flyer, showing Mr. Fitzgerald's face and...someone's...well-muscled physique, described his turn-ons as "Immigration law, Seventeen magazine, sheep and bowling." A caveat to the purchaser, this reporter had occasion last year to go out drinking with Mr. Fitzgerald and a mutual classmate, the hangover lasted well into the following afternoon. Also, in the F.Y.I. department, the flyer listed some package deals, one of them being that marriage was an option available to the purchaser for a closing bid of "at least $100.00." Since you got Fitz for $250, we at *The Advocate* felt we should inform you of your options in the name of a full and comprehensive reporting of news that is the hallmark and responsibility of a free press.

There was a brief musical interlude when Guy Cohen, '93, who was selling guitar lessons and an appearance at a dinner party, conducted a demonstration by leading the crown in the chorus of Don McLean's "Bye, Bye, Miss American Pie."

The auction concluded at around 11 P.M. after which participants and audience adjourned to the cafeteria for an abbreviated TANG that featured live music directed by Blues Republic.

Mandatory Pro-bono Debated at Fordham

Faculty Suspends Consideration for Another Year

By Mike Fries

A student/faculty/administration town meeting on mandatory *pro bono* at Fordham was held on February 13, 1992 and was moderated by Professor Flaherty. The meeting was well-attended. It was organized in a symposium format with a panel of five: One to argue each side of the issue and three others discussing the *pro bono* programs, two of them mandatory, they ran. The goal of the meeting was an open discussion of the idea of mandatory *pro bono*.

Alan Slobodin, President and General Counsel of the Legal Studies Division of the Washington Legal Foundation argued against a mandatory program. He argued that mandatory or forced *pro bono*, is an unnecessarily extreme and possibly unconstitutional approach. Mandatory *pro bono* is objectionable because it is coercive. With 'choice' ... mandatory *pro bono* is inherently anti-choice, for it uniquely targets for forced *pro bono* participation those

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From left to right: Alan Slobodin "Con" Mandatory , Matthew Nicely "Pro" Mandatory Photo: I. Wang

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Judicial Commission Director Discusses Treatment of Minorities in State Legal System

By William Bruno

Over the summer, the New York State Judicial Commission on Minorities did a study on the treatment of minorities in the New York court system and found pervasive discrimination. Edna Wells Handy, the Executive Director of that commission and new the general counsel to the city's Health and Hospitals Corporation, spoke at Fordham on February 21.

Ms. Handy described the study as covering not only blatant discrimination but the more subtle kind she described as "Northern racism." The study did in fact find examples of the former, for instance at a courthouse in the Bronx that had segregated locker rooms, however, the study's emphasis was on the latter.

According to Ms. Handy, some of the manifestations of the latter were in the differing treatment of people of color. Incidents (see page 7 for a highlights of the report) included white lawyers getting past security without being stopped while minority attorneys were stopped; whites getting more courtesy and getting advance sooner on the court calendar. She also stated that the facilities most used by people of color were the worst (i.e., housing court, criminal court and family court) and mentioned that the report had a photo-essay illustrating this.

Ms. Handy also stated that the report indicated that there was a sliding scale of treatment based on skin color, with blacks and Latinos near the bottom. Asians were near the top and "almost identical with respect to Caucasians". This sort of discrimination, Ms. Handy believes, constitutes an "attack on the dignity" of people of color from the moment they entered the system. She asserted that solving this was particularly important given that the judiciary relies strongly on public confidence to function.

On the topic of remedial measures, Ms. Handy argued that the entire legal system needed to be addressed. The courts did, after conducting their own study, adopt what she termed a "diversity program" to integrate positions in the court system. She also argued that Chief Judge Wachtler, in his capacity as supervisor of the state's legal system, could address the low number of people of color who graduate from law school, pointing out that a shortage of minority law students leads to a shortage of minority lawyers and judges. She them went even further back in the education process, arguing for action at the junior high school and high school level to increase the pool of minority college applicants. Ms. Handy's third point addressed the issue of enrollment tutorials for people of color, an issue of some controversy within and among BLSA groups. She argued in their favor on the grounds that the differing educational systems that whites and minorities tend to come from leave whites more prepared than others for law school.

Ms. Handy summed up the idea of the report by pointing out that fixing the imbalance among lawyers and judges was the easy part, that the hard part would be in addressing the prejudice felt by the user of the system because that would require altering behavior patterns and stereotypes. The executive summary of the report will be printed in full in the next issue of the Urban Law Journal. A copy of the complete report will soon be in general circulation in the library. An edition of the report is also scheduled to be printed by the Amsterdam News Foundation.

The discussion then took an unexpected turn. Ms. Handy had taken advantage of the sparse attendance (about twenty people) to bring the audience into close proximity and lessen the formality of the event. In an exercise in personalizing the report, she solicited statements from the predominantly black audience as to their experiences in law school.

One student mentioned the efforts made at Fordham. She

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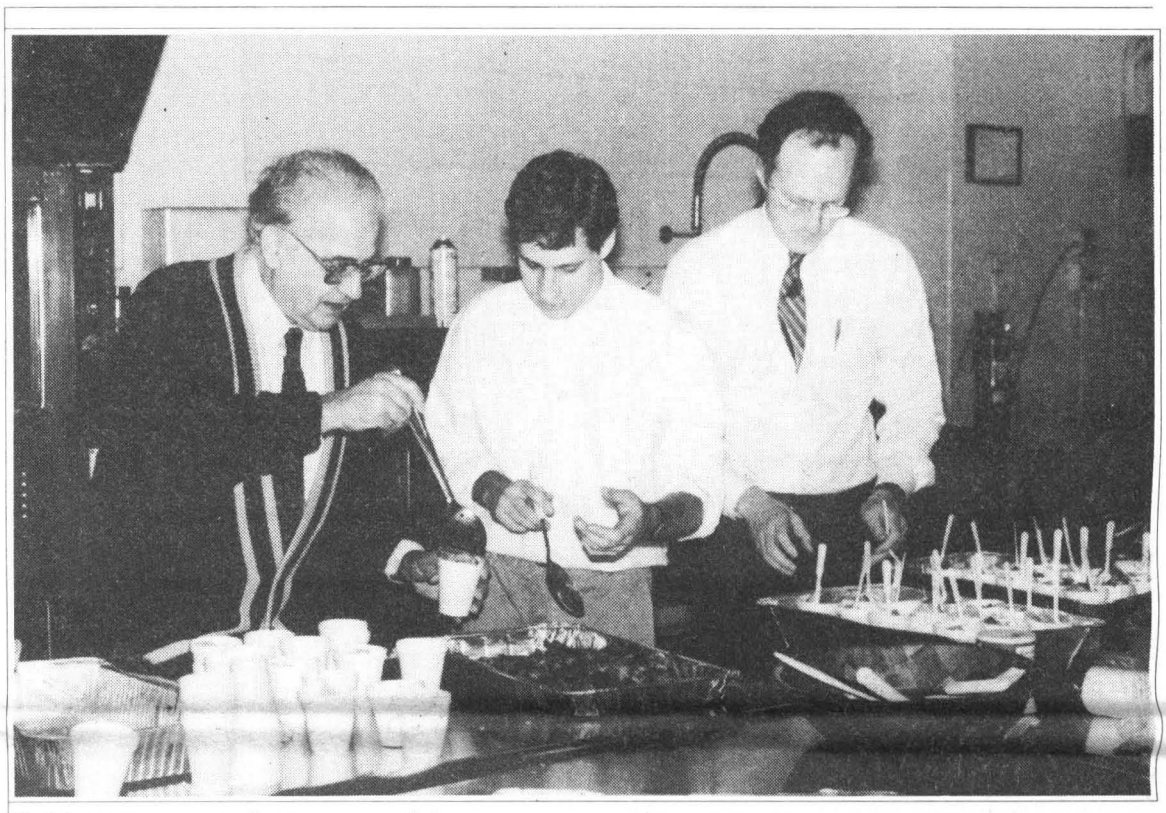

Putting your money where your mouth is:
Dean Riley and Professor Katsorias volunteer at St. John"s soup kitchen.

Photo: M. Pearsall

Fordham and the Trial Competition

The Beginning of a Dynasty

By the 1992 Team:
Grant Esposito, Reed Harvey, Peter Monahan and Melissa Werdiger

When the list of team members was posted, everyone seemed to have two reactions: "Congratulations!" and "How did you get involved with that?" In order to better inform the students about this unforgettable opportunity and to insure the quality of future teams, we have decided to answer that question.

First, some background: The National Trial Competition was started by the Texas Young Lawyers Association (TYLA) in 1974. The Competition is supported by both the American College of Trial Lawyers Association and the American Bar Association. The TYLA develops the problems which test the trial advocacy skills of law schools around the country. The opening rounds of the competition are held in one of eleven regions, the top two finishers in each region move on to the finals which are held in Texas.

Fordham's team is selected from third-year students who take Trial Advocacy during the fall semester. Interested second-years should schedule accordingly. The Moot Court Board assigns an editor to the competition. This year's editor was Andrew Crabtree who worked with Professors Bruce Green and James Kainen to select the team. Team members were chosen based on their performance in school, particularly their grades in Evidence, an interview and a test cross-examination. The 1992 problem involved a law student suing her school for injuries she claimed were inflicted on her by her teams faculty trial ad coach while competition away from school.

This was the first year in which Fordham entered two teams in the competition. Each team consisted of two members with each advocate preparing both plaintiff's and defendant's cases. As a result, the students practiced head-to-head and each team received the benefit of experiencing the other side's perspective. In previous years, a three-person team allocated two members to oppose each other while a third "swung" between the two to complete a two-person team. Most others schools at the competition used this set-up, while entering two teams. This allows each advocate to concentrate exclusively on one part of the case. We leave to future teams to decide whether three-member teams which may be more polished are preferable to two-member teams which receive a fuller, more enriching experience.

To paraphrase Cher, "if trial advocacy skills came in a bottle, everyone would be on Fordham's team." We worked very hard. During winter break, we were cramped into judge's chambers starting on January 3. From that point until the opening rounds were concluded on February 6, we did little else besides prepare for the competition, spending an average of five hours per day during the break and three hours per night during the semester. As the competiton grew near, weekends were sacrificed either to videotape practice rounds or to shore up theories of the case. Those who either want to litigate or lose weight should consider trying out next year.

Fordham's approach to the National Trial Competition is different than that of many other law schools. Our program focuses on developing the skills of an advocate rather than on winning the actual competition. During the competition we saw other schools who were scripted to perform on the facts given but seemed woefully unprepared to adapt to a more realistic scenario. Fordham's approach was to provide a variety of experienced trial attorneys to critique the team on a daily basis, rather than to spend all the time working with one coach. At first, being exposed to

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Finding Employment –
Summer 1992 and Beyond

By Kathleen Brady

The recession has forced law students to pursue employment with greater intensity. By taking a more aggressive stance, students are more likely to land the right job.

A job hunt need not be a devastating experience; it does not require "guts" so much as it requires thought, stamina and creativity. You must be prepared to use ALL the resources available to you to achieve success.

Lawyers, like most of the general population, typically make their career choices by default. They simply "fall into" something. Law is a field within which there is a vast array of careers requiring a vast array of talents. The skills needed to succeed as a prosecutor are quite different from those needed to succeed as a tax attorney. Today's law student needs to turn his/her analytical and legal research skills toward the job search process.

The best tools that you can take into the job market are a positive attitude about yourself and a knowledge of your strengths. The way you understand yourself will determine your success. What you deem possible influences your hopes, aspirations, actions and the outcome of your plans. Take a long, hard, hones look at who you are and what you might enjoy doing. Forget about what you think you "should" do. Forget—for a moment anyway—about who is hiring.

List three to five of the most satisfying accomplishments or achievements. Draw from various times in your life; your youth, your educational/work/leisure experiences. Focus on the steps you took and the skills you utilized to achieve each of those successes. Analyzing what you have done before will help you to set a direction for the future. Chances are that you will find a common thread among your accomplishments that will provide you with insight about what you are good at and what you enjoy doing.

Identifying your skills is only the first step in self-assessment. It is also important to assess your lifestyle preferences. Think about how and where you want to live; think about how your profession fits in with the rest of your life; think about what you want your work environment to look like.

Once you have identified your interests, abilities and lifestyle preferences, you should shift your attention to the job market. Jobs are out there—they just need to be uncovered. Keep in mind that information and personal methods of filling vacancies are preferred by both employers and employees because these methods are more in-depth and accurate. Employers are much more likely to hire individuals they know and can rely upon or someone who is known by an individual they respect. Employers are not anxious to have to process hundreds of resumes and applications that flood in when an ad is placed in the job books. Informal methods are also preferred because they reduce recruiting costs and hiring risks. Therefore, job seekers who rely solely on traditional search strategies, like on-campus interviews and scanning the job books, won't find work easily. You must use all the resources available to you to be successful.

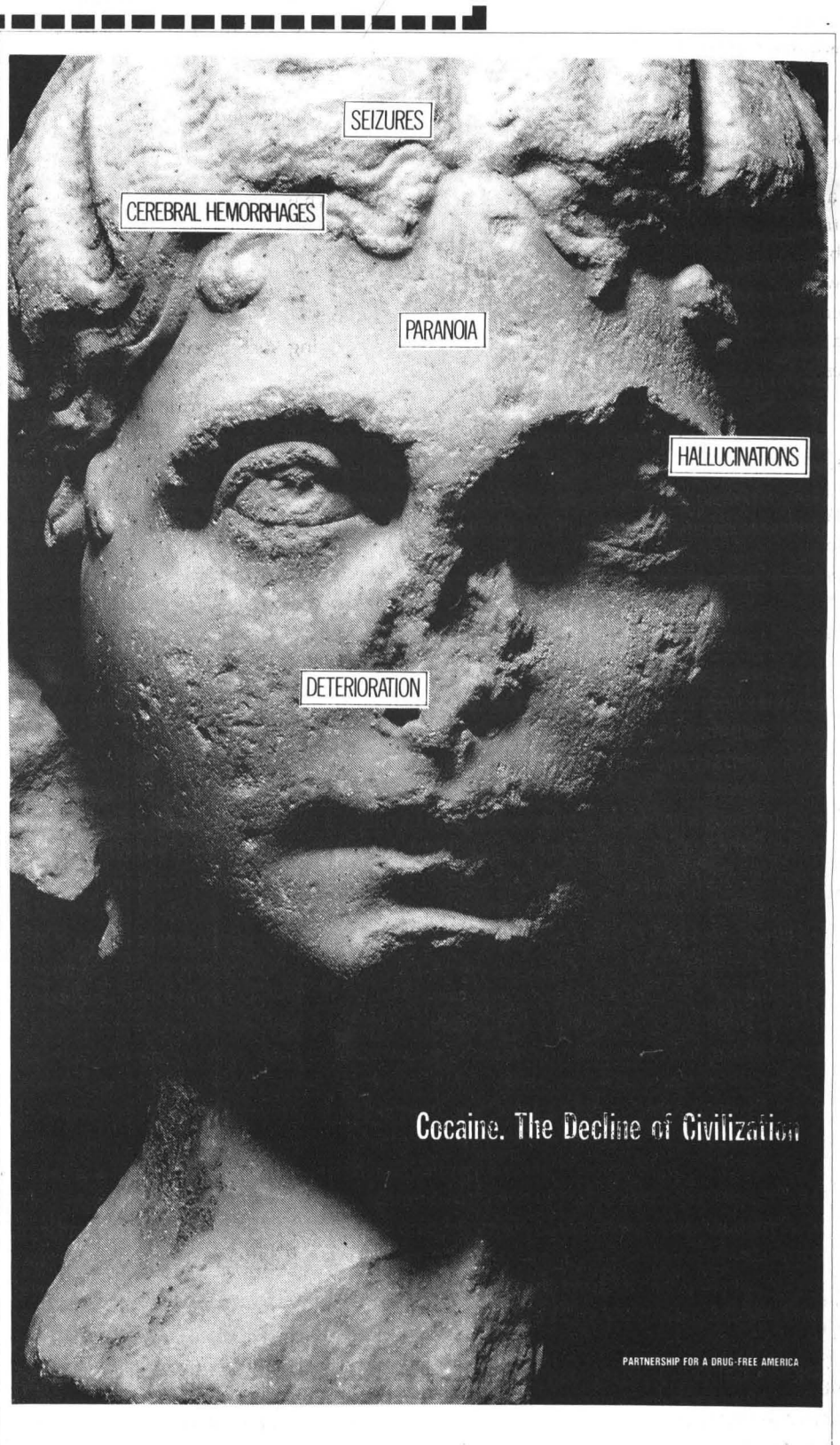
Survey is what is available in you area of interest in order to uncover what the market's needs are. Meet with as many attorneys as possible. Acquire as much information as possible. You need to learn about the different specialties, settings and types of practice. You can do this in a variety of ways. Throughout law school, get legal work experience in several different settings. Seek out mentors; ask attorneys for their advice and guidance. Join organizations to explore issues of interest to you and meet people who share your interests. Attend career programs sponsored by the Career Planning Center to meet practitioners. Read the trade papers; not which areas are thriving and which are not. The more information you have about the legal profession, the more contacts you make—the better able you will be to find the perfect match.

There is no denying that this is a difficult job market. However, as attorneys, this is just the first of many challenges you will face. The current "precedent" of how to find a job is being challenged. It is up to you, counselor, to find the solution.

Employment Statistics
as of March 4, 1992

Class of 1992	Class of 1993
70.2% Employed	60.3% Employed
29.8% Unemployed	39.7% Unemployed
43% reporting:	55.7% reporting:

It's important to hear from those who did not report.
Also, if your status changes, please inform CPC.



In The Jesuit Tradition III: E. Plurbus Unum

By Rev. Edward G. Zogby, S.J.

It is the intention of this short series of articles on John Courtney Murray's book *We Hold These Truths: Catholic Reflections on the American Proposition* to showcase how an important Catholic theologian (a Jesuit) sought to demonstrate the compatibility of Roman Catholicism with American democratic principle. In presenting his thoughts, one can lose sight of the often deeply debated public concerns which led Murray to write on the subject of the American Proposition, consensus, the public argument, freedom, civility and religious pluralism. These issues have never been matters which could be easily resolved; nor can we suppose that they are settled yet. But what Murray brought to the fore was the need to argue them on the level of principle and not quarrel about them. He saw the need to remove the bindings which prejudice and ignorance that can wrap around our minds, preventing reason from having its proper scope in matters of religion and diverse traditions.

Just what the loss of consciousness of these issues can mean was demonstrated to me this weekend by a noisy and blustery conductor on the Raritan Valley Line. I was pondering Murray's book on the train, indolently smoking my pipe in the sun-filled car when I became aware that he was reading over my shoulder. Suddenly he snatched the book out of my hand, swept it up to his face and pronounced the title with such a voice that made it lose all its seriousness. I was in for it. I dreaded the invasion of my privacy, but even more the onslaught of questions and attitudes which would be forthcoming. "I'm a Catholic myself," he announced, and he pulled himself full up before sitting down heavily next to me. He crossed his legs and cleared his throat and delivered his message: "I don't see why Catholic have anything to say about the American Proposition." (Pause) "What is the American Proposition anyway?" So much for the wide division between theory and practice!

Murray never wrote for that conductor but he has made his world less hostile to Catholicism. The man had no memory of the years of hardship and bitterness that had been carefully dismantled by men like Murray, Robert McAafee Brown, Will Herberg, the Niebuhrs and other American theologians - Protestants, Catholics, Jews, and secular humanists. Their writings and lectures are an exciting period in our American history, from which a more human and humane stance emerged. They are a witness to the strength of our own Constitution to provide a safe context - the public argument - in which reasonable and educated persons can meet in civil conversation, agreeing to disagree.

The cooperation that has developed out of that hard work, from the Social Gospel of Rauschenbusch of the 1920s to Vatican II in 1965, has prepared us not so much to exchange pulpits (which is beginning to happen) but towards a common faith in one another. We see this in the willingness to meet civilly and for the benefit of the whole planet on the question of the nature, consequences and corporate responsibility in the matter of nuclear power and nuclear arms. Furthermore having built solidly on the constitutional base of **consensus**, America experienced **e plurbis unum** in Selma, Alabama, Resurrection City in Washington, the 500,000 protesting Nuclear arms in New York City in 1982, and in the statement of the Catholic Bishops - *"The Challenge to Peace" in 1983.* The openness with which this pastoral letter has been received by

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Judaism: Why Believe?

By Nava Listokin

On Thursday, February 6, 1992, Torah came to Fordham. Lightning did not rip apart cloud-blackened skies, thunder did not shake the earth's foundations and no one even climbed a mountain to receive a set of stone tablets. Instead, refreshed by two boxes of baked goods and sundry soda beverages, a group of 10-13 law students contemplated the existence of G-d and a unique system of meaningful living, all without ever stepping foot out of Room 206. This modest miracle repeated itself barely two weeks later when many of these same students and others discussed the veracity of the Torah, the body of Jewish law and belief, again in Rm. 206, a room too small to admit a Golden Calf.

The Jewish Law Students Association, growing in number and strength, had resolved to hold Jewish *Identity discussions, aimed, simply,* at exploring things Jewish. For its first session, this discussion group brought in Rabbi Shlomo Kugel, who demonstrated the all-encompassing nature of Judaism as a system of life. Rabbi Kugel espoused an experiential approach, arguing that only through mindfully living Torah can a person realize the truth that is G-d.

Rabbi Kugel's comparison of Torah to both a light and a blueprint for the world prompted many of the participants to ask how such a characterization distinguished Judaism from the myriad of other systems of life, such as any of the other religions. Even more basically, many of the participants questioned why a person should, ab initio, accept the notion of any divinely-given way of life, reasoning that belief in the very existence of G-d requires a leap of faith.

To this Rabbi Kugel made the surprising suggestion of forgetting G-d for the moment. He then returned to his earlier point, emphasizing that when a person lives Torah, his intellect will be forced to recognize the existence of G-d and His teachings, the Torah.

Like any good discussion, the first Jewish Identity discussion left many more questions than answers. It appeared that Rabbi Kugel's experiential approach did not suit the intellectual inclinations of the participants. JLSA therefore invited Rabbi Portnoy to lead the second discussion on Thursday, February 20th, which used a logical tact to answer the questions raised during the first dicussion.

Rabbi Portnoy prefaced the discussion with the observation that humans base their behavior on probabilities, supplying the example that drivers fearlessly glide through an intersection when given a green light upon the assumption that, most of the time, those who have the red light will give them the right of way. Similarly, a person may logically base her belief on probabilities, Rabbi Portnoy posited, while conceding that the gap of uncertainty would then have to be bridged by a leap of faith.

Rabbi Portnoy then offered three proofs of the Torah's divine origin. Firstly, he pointed out that the portion of the Torah that discusses the two signs that differentiate kosher and non-kosher animals mentions that there are three animals, each of which have only one of the signs. He asked how any human being could have known that in the whole world only these three animals have only one of the signs. Further, why would any human law-giver want to imperil the credibility of his law by making such a bold pronouncement?

After addressing several students' questions on this argument, Rabbi Portnoy moved on to his second proof. He turns to the section of the Torah that describes how it was given to the masses, approximately three million people, at Mount Sinai. The fact that the first generation of Jews accepted Torah, including its assertion that so many people attended its revelation, suggests that the assertion is true. Otherwise, why would they accept the Torah in the first place? If the Torah contained such a blantantly false assertion, these early Jews would have naturally responded, "What three million people? We were not present at no Mount Sinai. Even our grandparents never heard of rthe place!"

Lastly, Rabbi Pornoy introduced a modern discovery tending to prove the Torah's divinity. Computer programmers selected contemporary names, for example Saddam Hussein, searched for them on a database consisting of all the letters of the Torah in order, and, in those particular areas in which they found the names spelled out in the highest concentrations, they also found associated terms such as Kuwait and Scuds. This tecnique led one scholar to accurately predict the date of the start of the Persian Guld War before it was announced. When these progammers deleted even one letter from the Torah database or altered the order, the pattern fell apart. Likewise, such patterns failed to surface when the progammers ran databases of other books, such as the Koran and the New Testament.

As expected this discussion raised enthusiastic questions and comments from the p[articipants. Poor Ignatius Loyola is probably turning over in his grave over the lively interest in Judaism taking root in this bastion of Jesuit faith, Fordham University. Despite his discomfort, JLSA plans on continuing its discussion groups on a bi-weekly basis, every other Thursday, from 4:30 to 6:00 in Rm. 206, with topics ranging from intermarriage to Zionism. In all discussions, plurality of opinion and plethora of questions are encouraged. JLSA will invite various discussion leaders to campus, always keeping in mind the interest of discussion participants. To that end, JLSA eagerly awaits hearing from past and potential participants for criticism and suggestions. After all, where there are two Jews there are three opinions. Please put them all in the mailboxes of either Michael (Mo) Shapiro, Eric Ruder, or Nava Listokin. In addition, keep posted by monitoring the JLSA bulletin board in the basement across from the phones for news of the next discussion group.

The Advocate
– Fordham Law's Own Newspaper

General editorials are approved by a majority of the Board of Editors and are offered to foster debate within the Fordham Law School Community

Education: The Right to Choose

Its time to end the government's monopoly of the education of the poor and middle-class. A school choice program will empower the poor and middle-class to impose the discipline of the market place on the schools which educate their children. A school choice program would consist of tuition tax credits for the middle-class and tuition vouchers for the poor. A choice program will reallocate precious financial resources to those schools which are effective in the business of educating children.

The wealthy of this country can afford a two tiered educational system. The rich have the financial resources to pay the necessary taxes to support public schools and still afford the tuition of those private schools which best prepare their children for college. By affording poor and middle-class families a similar choice, the children, and their money, will flow to those schools which best fulfill the educational needs of their children. No longer will the poor be strapped to a failing local public school.

The discipline of the market place is swift and sure. Private schools work because they must. If a private school fails to properly educate its students, the students will go elsewhere with their money. The ineffective school will close. On the other hand, public schools which fail to produce only continue cheating children out of an equal education. With a choice system, those public schools which fail to sufficiently educate their students will close. Economic incentive will improve the overall quality of schools from the vocational high school to the elite private school.

A choice system will provide for a greater variety of educational opportunities as well. Allowing students to choose their school means they no longer must compromise in selecting the type of education they receive. Families may choose a vocational high school, religious or secular school, or schools which emphasize a particular curriculum such as afrocentric, western or mutlicultural. A school could be administered by a local board, an education company, a corporate sponsor or a church. Each school must compete with salaries and benefits for the best teachers.

Fears of further class stratification or de facto segregation would be no more of a concern than they are now. The wealthy are able to select schools by purchasing homes in areas with fine public schools or by electing to send their children to independent schools others simply cannot afford. Poor and middle-class families can only purchase housing where its affordable, regardless of the quality of the local school. Scholarships and financial aid may assist some families in sending their children to elite private schools but these funds are scare. Removing the financial constraints will allow more students to attend any school, even those previously reserved for the wealthy. Additionally, admittance to any of these school must be on a non-racially discriminatory basis.

A choice program will end the government's monopoly of public education by empowering the poor and middle-class to chose superior education for their children and extend freedom choice, now reserved for the rich.

– Submitted by **Raymond Liddy**
Editorial Page Editor for the Advocate

My Own Private Idaho

A Rush and a Push and the School is Ours!

By Michael V. Gracia

Fordham is considered my most people to be the fourth best law school, out of a total of fifteen, in New York State. Fordham is probably in the best location in a city which is home to eight law schools. It is hard to argue with Fordham's high academic credentials and reputation; they are, after all, the reason why we all chose to come here over some other schools. Yet, I don't think that any of us could have foreseen the poor quality of life that we, the student body, has had to endure.

Fordham, arguably one of the best law schools in the country, ranks low when it comes to caring for its students. The most recent example of this was our last WANG. To put it simply, it was a joke! Now, this is probably the least significant of Fordham's shortcomings, yet it is the one that has forced me to comment on the big picture.

It is unclear where fault lies. Is it the Law School's administration's fault? Is the SBA not doing its job? Is the administration of Fordham University to blame? Whoever the culprit might be, we all know that something is wrong. Let me explain.

The student lounge is not what it should be. The television had been broken for a year! Couldn't the SBA or the school have come up with $300 sooner to repair it so that students could at least watch the news while in school. The foosball table is outdated and students use it for lack of anything better. The video games are antiquated. Pac-Man?

The service that Marriott provides is inferior. The SBA says that this is the best arrangement that we can get. If this is the case, then we are poor negotiators. The meals are more expensive than they should be. A better meal can be had for the same price at one of the nearby delis. The cafeteria should be more than just a convenience to us because it is within school grounds, there should be some other benefit to it. Marriott gets the better end of the deal because they know that it is inconvenient to leave school grounds for meals, they have a captive audience,...us!

Grades are traditionally reported to students late. There is no excuse for this except health problems or emergencies. Would a firm wait this long for an assignment from an associate? Does the job description read "... and grading exams when time permits?"

The library needs to be severely renovated. Not only does it lack beauty in its design but it lacks reading space, privacy, the lighting is inadequate ... and there is no bathroom! Who was the genius who thought of that? I am almost sure that it wasn't a woman. Any woman in the library who wishes to use the ladies' room must 1) leave the library, 2) hang a right, 3) walk past the registrar, past the atrium and 4) make a left at the financial aid office. Is that inconvenient?

We are supposed to be competing with NYU and Columbia, yet schools such as Albany and Hofstra have better facilities. Why must we, as law students, share a computer room with the rest of the University? Other law schools have their own computer centers, some within their libraries, (without a computer warden!).

How long has Fordham been at Lincoln Center? Since 1963? and just now they are building a residence hall? 30 years! (The Lucerne does not qualify as a dorm). The dorm is not being built just for law students. My point is that it is time for the University to do something for Fordham Law School, which has a better reputation that the undergraduate school.

Finally, the WANG. Who runs it? Apparently not us. The University? Marriott? The administration? There should not be anyone else present but students, faculty/administration and guests of Fordham Law School. There must be a way that we, as adult law students in New York City, can have a few drinks within the walls of our school without rules that apply to the undergraduates of Fordham University, without what appeared to be bouncers and, not to promote the consumption of alcohol, but really, what's the point of having a WANG if you can only have three beers. Lets do it right or lets not have it.

Here's an alternative. Some law schools have a social hour on Fridays after classes, in school grounds, where faculty and students can meet informally, have a drink and get to know one another.

There currently appears to be a disregard for the well being of the student body. If this is the case, how can tuition continue to increase when we are not getting our money's worth.

I want to reiterate that Fordham is a fine school, but it is our job to make it better and to point out, to whomever runs the school and appropriates funds to it, what problems do exist. If not us, who?; if not now, when?

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BALSA's Corner

New York State Justice System a Two-Tier System – A Summary

By Lisa Hayes

This past summer, the New York State Judicial Commission on Minorities, a 17-member panel, appointed in 1988 by Chief Judge Sol Wachtler, published its final 2,000-page report and concluded that there are two justice systems at work in the courts of New York. The chairman was James C. Goodale, a partner at Debevoise & Plimpton and the Executive Director was Edna Wells Handy, general counsel of the city's Health and Hospitals Corporation. The Commission was funded by monies from private donations and was composed of an impressive number of persons from the legal profession including Cyrus Vance.

The Commission has studies and reported what many have known for years, that minorities and the poor receive disparate treatment in the American legal system. The problems encountered by minorities are endemic to the judicial system in New York which results in a denial of civil rights. The following excerpts are observations and recommendations of the Commission.

Selected Observations:

• Minorities often go unrepresented, particularly in Housing Court where 83% of blacks and 81% of Latinos have no counsel.

• A recent study of the Association of the Bar of the City of New York found that 50% of 123 federal and state judges hearing criminal cases in New York City said misconduct by attorneys in the courtroom was a serious problem.

• In 1989, only 6.3% of the states 1,129 judges were black, 1.7% Latino and .25% Asian-American. African-Americans comprise 16% of New York's population and Latinos about 12%.

• Most courtrooms have all-white personnel, furthering the perception by many minorities that "those in authority do not treat them with consideration." Judges often dispense "assembly-line justice," pushing cases "in and out in three to four minutes," said Mr. Goodale.

• The Commission's survey of litigators found that 44% believe whites often receive lower bail than minorities. The New York State Department of Criminal Justice Services, studying defendants with similar backgrounds who were charged with similar misdemeanors, reported that whites tend to be sentenced to pay a fine, while African-Americans and Latinos are sentenced to jail.

Selected Recommendations:

• Each court should have an ombudsman to assist the public in finding their way through the system and describing the court's operations, in languages such as Spanish and Chinese.

• Public defenders, and attorneys with the Legal Aid Society attend special training programs in litigation skills to improve their representation of the poor.

• Sentencing statistics based on race should be maintained by the Office of Court Administration and judges should review their procedures.

• More minorities should be included on judicial nominating and screening panels.

• The Commission recommends the adoption of random selection of judges to preside over all criminal cases.

• Judges should review their bail and sentencing decisions to ensure that they are fair and not influenced by racial or ethnic stereotypes.

The preceding observations and recommendations are just a few of the statements from the Commission's report that substantiated the findings that the New York Judicial System was biased regarding dispensing justice to the poor and minorities. Many organizations have called on the Chief Judge to begin efforts to act on the Commission's recom-mendations.

Recognizing the need to address the issue of underrepresentation of minorities among state judges, Governor Cuomo created a special task force to determine whether the judicial selection process and the composition of election districts violates the federal Voting Rights Act.

(Editors Note: There have been some findings by the aforementioned commission suggesting just that. Based on that, a lawsuit has been commenced alleging such violations and seeking appropriate relief.)

Weiscracks . . . by Ari Weisbrot

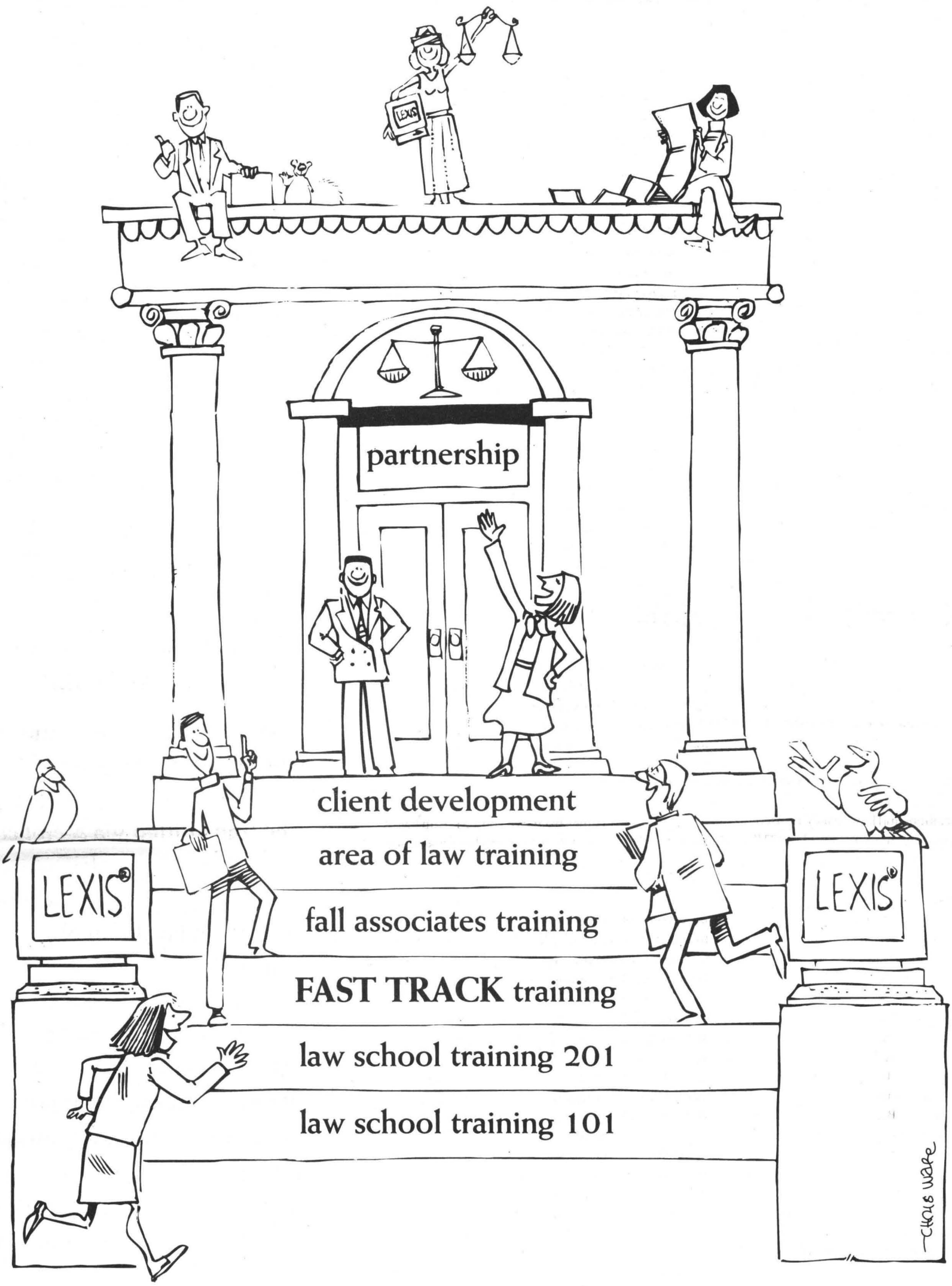
Lawyers - A Second Opinon

Recently, my sister, a medical school student, let me in on a trade secret. It seems, lawyers are a favorite target of medical students and their professors. The old joke apparently goes, that a certain pathologist couldn't perform an autopsy on a lawyer because there was too much bullshit in his system to clear away. Lawyers seems to take a PR beating everywhere one looks. The great legal mind of our Vice President even jumped on the bandwagon. Dan Quayle, J.D., (Joe Dumbfounded), wants to propose legislation that will eliminate frivolous lawsuits and cut down on legal fees. God, if I could only sue for a dollar for every time I've heard that idea. Hey, wait a minute. . .

My mom used to tell me I should be a lawyer; that I'd make a perfect attorney. I only recently figured out that she meant it as an insult. What is it about attorneys that makes them so despised? Perhaps it's the nature of the business. If a client loses a case, the lawyer clearly was inept. If said client prevails, well, now he's got to pay, just for telling the truth. Since attorneys are taking money just to tell over in court, what has been told to them behind closed doors, ipso facto (look it up) they are crooks. Methinks I smell a double standard. If a patient dies he was beyond medical treatment. If he is cured, the doctor must be related to God. Except that I get the impression, for some reason, that God went to law school. After all, he is the supreme lawmaker, and name me a big time legislator that didn't go to law school , moron vice presidents excluded. I know, he went to law school, but I just wanted to call him a moron. Actually, I don't even think he's a moron, but I'm submitting to mob mentality to make a point. But I digress.

I recently had the good fortune of conversing with a lawyer-bashing medical school professor. I asked why he subscribes to the William Shakespeare school of stereotyping. His answer was simple and to the point: "could you please hurry up with this, I've got to get to my golf game". As he rushed away, I asked him if he had a lawyer. He stopped, a look of concern spread across his ample brow, and said, " Of course, why?" I told him I was suing him for slander, libel, defamation, misrepresentation, and miseducation (I made that one up). He got a little nervous, and said, with an air of authority, " How can you do that" "Ask a lawyer, smartypants". I hated to get vulgar with him, but I'm an attorney-elect, and I'm proud.

Shakespeare once recommended that we kill all the lawyers. That's probably because he was scared that one would prosecute him for taking credit for those literary masterpieces. Law is an imperfect science, but we live in an imperfect society. Thankfully, we live in a country where one imperfection can foil the other. As long as there are lawyers to argue the law, the good guys can be relatively assured of justice, and the bad guys can too. If there happens to be some bad eggs in the bunch, I say we serve them to the doctors.



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Solve the Problem

by John Cody

Recently, in a first-year Criminal Law class, I made an argument in support of the felony-murder rule as an effective means to achieve the worthy policy goal of incapacitation of criminals. In fact, I said, a broader rule is appropriate: It's worthwhile to punish, even with life imprisonment, anyone convicted of committing any intentional felony (this proposition is expressed most succinctly in such nuggets of folk wisdom as, "Don't do the crime if you can't do the time," or "If you play, you pay").

The sparks started to fly, during and after class. Fascist, this attitude was called. Extremist, far-gone, draconian, I was told. Racist. Impractical and far too expensive. And finally, begrudgingly, well, I guess you have a right to your opinion.

Have things come to such a state that proposed solutions criminal justice fiasco are subject only to epithets? It is not also fascist, extremist, far-gone, draconian, racist, impractical and far too expensive to allow such a high degree of crime to destroy the quality of our lives? My mom tells me that when she was my age, she felt completely safe riding the subways or walking through New York City's Central Park, alone, at 2 a.m.. Why can't we have that kind of society again?

To accept the current situation as "normal" demonstrates how mixed-up our priorities have become. I don't like worrying that my wife might be raped while walking home at night, that I might be mugged, or worse. A high crime rate is not normal. We fail ourselves, our loved ones, and especially the most vulnerable members of our society by allowing it to continue.

I'm not a fascist; I'm probably more liberal regarding certain issues than most of my classmates. I think drugs should be legalized. I'm all for minority rights, gay rights, abortion rights, pornography, women's rights, men's rights, animal rights, free speech, flag-burning, cow-tipping or anything else we might assign as litmus tests of modern political correctness. Restraints on state police power, such as those on intrusive search and seizure, are completely reasonable (although, as one classmate points out, violations of these rules should lead to sanctions on the police who violate them, not to letting the otherwise guilty criminal off scot-free for a technicality). My basic political philosophy can be summed-up neatly: People should be free to do as they wish. However, if you intentionally harm someone, and are convicted after all due process, you've broken the social contract, and should be forever removed from society.

What's wrong with this, at least as a general operating principle? Streamlining our justice system would benefit us all. Not all crime would be wiped out, but it would be greatly reduced, especially as recidivism accounts for most of our violent crime. Remove most of the recidivists, and you remove most of the crime. Expand the prisons a hundredfold, if need be, and allow our police to use the resulting "peace dividend" in police manpower to concentrate on apprehending the more difficult criminals, those undeterred by severe penalties, for example, or serial killers deft at evading detection.

We get so wrapped up in red herrings as a society that we miss the larger picture. What about the death penalty, I was asked. Do we subject all of these convicted felons to that? Who cares? The point is to incapacitate these predators, to get them off of the streets (or out of the boardrooms). what does it matter whether they're hung from the lampposts or rotting in prison? Either way, the purpose is served, and if you expend your energies on the death penalty question, you're missing the larger problem.

The same holds true for the abortion issue, school condoms, or any other "moral" concerns. How can anyone justify protesting against abortion when the senior citizen down the street was just raped and killed? By attempting to impose their own order on those issues upon which there is no general consensus, the morality freaks destroy the very society they think they're saving. The law becomes an elastic net — stretch it wide enough, try to contain as many little things as offend your narrow sensibilities, and soon the big fish are swimming straight through the gaps in the net. And those fish are armed. And they're coming after you.

Besides epithets, some reasoned arguments were made in opposition to my rule of complete accountability:

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How NOT to Televise Trials

By Alan Dershowitz

For the past 20 years I have been advocating the televising of court-room proceedings for educational purposes. What I, and many others who share my view, had in mind was a not-for-profit educational production company, under the supervision of bar associations and law schools. Such a company would work together with court administrators to assure that court proceedings _ trials, appeals, hearings - would be presented in a dignified manner conducive to educating rather than titillating.

Instead we have "Court TV," a commercial enterprise run by Steven Brill, who had made a specialty of commercializing the law. His magazine, The American Lawyer, has succeeded, almost single-handedly, in turning the practice of law into a crass, bottom-line business. Before the "Brillization" of the law, as it has come to be called, lawyers claimed to be part of a learned profession. We did not always live up that claim, but a least it was an aspiration. "The America Lawyer" change all of that. Now law firms are ranked not primarily by their professionlism, their ethics or even their litigation successes. That are ranked by their bottom-line profits.

This kind of crass commercialism is already in evidence form Court TV. In anticipation of the William Kennedy Smith case this past August, Court TV claimed that it had "exclusive rights" to the trial. It used this misleading claim to solicit subscribers and advertisers at a time when it acknowledge that it was "struggling to get advertising."

Court TV claim of "exclusive rights" was misleading because the only "right Court TV had was to be the "pool camera" in the courtroom Even that limited right has been bused for commercial advantage. In its "raw feed agreement" with local television stations, Court TV demands a per-diem payment for "each day of Court TV's coverage of the trial" and requires that the station "will not protest this arrangement..." Since Court TV is the sole pool camera, this is an offer that can't' be easily refused.

Court TV's goal is to monopolize the television transmission of trials at enormous profit to itself. It brags that it already has exclusive camera rights in more than 80 percent of televised trials, and Brill is trying parlay these rights into big bucks. As a recent story in the Boston Herald conclude: "Brill now says he have received inquiries from cable operators interested in picking up the service. That agreement , however, does not come without a price. The contract between Court TV and a cable operator runs for 10 years."

Brill's attempt to monopolize the televising of trials also carries with it significant dangers of censorshi[. Local stations - even networks - which use the Court TV transmission cannot decide for themselves whether to show the faces of disclose the names of the accusing witnesses in cases like Smith's. The contract in the Smith case required every station to block the face and withhold the name. In a television interview , Steven Brill said it was his decision to censor the name and face of the accuser. Whether this information should or shouldn't not be disclosed is a hotly debated issue. But it seems abundantly clear that the decision should be made by each network of station for itself. The decision should not be dictated by Brill as a self-appointed censor for the entire nation, (To be sure, any local station that chose to send its own people to Palm Beach could have picked up the feed directly from the court-house media center and sent it back home uncensored, but the economic realities make that impossible for most stations, and indeed none, to my knowledge, did it.)

Another great danger of the commercialization of Court TV is that few lawyers are prepared to criticize it publicly. Their reluctance comes from two sources. Brill has a reputation for punishing his critics in the pages of his magazine. He also has a reputation for rewarding those who praise him. I have experience both the stick and the carrot. Most recently, when I first criticized Court TV for its commercialism, I received two frantic phone calls and a letter inviting me to become one of the Court TV commentators. Since I regarded this invitation as an obvious attempt to "buy off" my criticism, I turned it down.

But now the issue is beyond mere criticisms by lawyers. Several lawsuits are currently before the courts challenging Court TV's commercial exploitation of litigants to sell advertising time. I wonder if Court TV will cover those cases.

The day after the verdict in the Smith case, Steven Brill called me to say that if I continue to critisize Court TV, I will be undercutting my own long-term efforts to bring television cameras into the courtrooms of America. I reponded that Brill's warning had confirmed my worst fears, namely that his way of television trials - selecting the most salacious and atypical ones for maximum commercial exploitation - will be seen as the only was to televise trials. We must come up with a non-profit educational format for the television of America legal proceedings.

Alan M. Dershowitz is a professor of law at Harvard University.

TOP TEN REASONS TO GO TO "A LEGAL LINE:"

10. Your'e a law student and have no social life anyway
9. Answers to all your finals will be transmitted via secret code.
8. It is what all your friends will be talking about the next day.
7. It isn't on Fordham Night at Gecko's
6. See Fitz without a shirt on
5. You really don't want to attend classes
4. It will be shorter than last year's 3 1/2 hour marathon... We promise
3. Free program with each ticket
2. At six bucks it's cheaper than a movie
1. Aw, come on, just go—it will be fun!

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Pope Auditorium
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Tickets $6.00
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Mandatory Pro-Bono

Continued from page 1

students who would otherwise choose clinical or other school public-interest law programs.

In addition, Mr. Slobodin asserted that any educational value to mandatory pro bono would be marginal at best and would not offset the burdens and costs of administering the program. Estimates range from $400,000 to over one million dollars per year to maintain the program. He also asserted that mandatory pro bono imposes a moral code, robbing students of the opportunity to think for themselves and that was inconsistent with the educational mission.

Matthew Nicely argued in favor of mandatory pro bono, claiming that pro bono activity should not be confused with charity. Charity is the giving of which one has no duty to give. Lawyers have a state-sanctioned monopoly on the public justice system that allows them the economic advantage of being able to charge higher fees than they would be allowed to charge in an open market. As a result, lawyers are ethically bound to help the poor gain access to the public justice system; to do otherwise would be to deny equal justice to all and would call into question the very democratic principles on which this nation is built.

Mr. Nicely also asserted that since courses like Torts are required, pro bono should be as well. It is not forced volunteerism, it teaches the importance of fulfilling ethical responsibilities. He also pointed out that pro bono is a very broad term and included in this definition work at: District Attorney's offices; Mayor's offices; homeless shelters; other non-legal work geared towards helping the poor. He finally argued that pro bono is more educational than clinical programs and less costly to operate.

The three other panelists were: Jill Chaifetz, Director of Pro Bono Students (PBS), a volunteer program currently active in all New York City law schools. PBS facilitates a student's desire to work at public interest organizations and places students in available positions. PBS defines pro bono work as work in public interests groups, courts, government, non-profit organizations, private firms working on pro bono cases and work for professors.

Judith Bernstein-Baker, Director of the University of Pennsylvania Law School's Public Service Program, a mandatory program which requires students to perform seventy hours of pro bono work in order to graduate. The hours are to be completed only during the 2d and 3rd years and only during the semester. The program defines pro bono as unpaid non-clerical legal work.

Theresa Glannon, Assistant Professor at the University of Maryland School of Law. She teaches a mandatory course that engages students in legal work on behalf of people living in poverty. This is a six-credit course and requires 100 hours per semester.

In the Jesuit Tradition

Continued from page 5

connon-Catholic traditions affords a good glimpse of the history of the development of human and humane corporate self-awareness within the various strands of religious pluralism in America.

Murray, in the chapter *E Plurbis Unum:* The American Consensus," is aware that arriving at consensus is not the same as maintaining it.

"Perhaps one day the noble many-storyed mansion of democracy will be dismantle, levelled to the dimensions of a flat majoritarianism, which is no mansion but a barn, perhaps even a toolshed in which the weapons of tyranny may be forged. Perhaps there will one day be wide dissent even from the political principles which emerge from natural law, as well as dissent from the constellation of ideas that have historically undergirded these principles - the idea that government has a moral basis; that the universal moral law is the foundation of society - that is the state - is subject to judgement by a law that is not statistical but inherent in the nature of man; that the eternal reason of God is the ultimate origin of all law, that this nation in all its aspects - as a society, a state, an ordered and free relationship between governors and governed - is under God." In this chapter Father *Murray is allowing two concepts to* emerge: one is to show that the framing and development of American Constitutional thought (including also the Declaration of Independence and the Bill of Rights) is different from the Declaration of the Rights of Man in the France of 1789; and secondly, that American Catholics can feel quite at home with the American Constitution. (Anyone with a knowledge of Rome's suspicion towards American political thought would easily recall what an uphill battle Murray had in the 1950s when he was writing so deeply on the issue of Church and State, and how, even as recent as the debate at Vatican II on religious freedom, which finally adopted language from our Constitution, Murray had to wait through three sessions before the document was approved.) For Murray the battle was with the conservative Church of Rome as well as the anti-Catholic attitude in the United States. He was really providing an important bridge which earned him a cover story in *Time* magazine and an appointment at Yale.

"The point here is that Catholic participation in the American consensus has been full and free, unreserved and unembarrassed, because the contents of this consensus - the ethical and political principles drawn from the tradition of natural law - approve themselves to the Catholic intelligence and conscience. Where this kind of language is talked, the Catholic joins the conversation with complete ease. It is his language. The ideas expressed are native to his own universe of discourse. Even the accent, being American suits his tongue."

It took the Church of Rome a long time to believe that; and it is still not entirely convinced. Part of the difficulty comes from the fact that the Roman Tradition grew mainly in continental Europe. What it had experienced from the French Revolution and its consequences was the Jacobean laicist tradition which proclaimed the autonomous reason of man to be the first and sole principle of political organization." By contrast the American Proposition, which also emerges from European thought, bases itself on "a truth that lies beyond politics; it imparts to politics a fundamental human meaning." In what is truly the cornerstone of Murray's Catholic reflection on the American Proposition, we read: "the first article of the American political faith is that the political community, as a form of free and ordered human life, looks to the sovereignty of God as the first principle of its organization."

What results in the Jacobin tradition of France is seen as a private affair "a matter of personal devotion, quite irrelevant to public affairs." Thus the Society, and the State which gives it legal form, and the government which is its organ of action "are by definition agnostic or atheist." The statesman then appeals to no higher authority than the will of the people, in whom resides ultimate and total sovereignty (one must remember that in Jacobin tradition "the people" means "the party"). This whole manner of thought is altogether alien to the authentic American Tradition."

This distinction is crucial for understanding religious pluralism in the American mode - a mode which provides that each separate tradition may maintain its own distinctiveness without suffering from any atheistic antagonism on the part of the state. Murray is certainly not inventing the principle that we are "a nation under God"; he did not coin "In God we trust." He cites many places in presidential speeches and in assertions of the Supreme Court, such as an opinion in 1952 that said, "We are a religious people whose institutions presuppose a Supreme Being." His favorite citation comes from a proclamation of President John Adams of March 6, 1799, in which he stated the first of all American first principles:

"... it is also most reasonable in itself that men who are capable of social arts and relations, who owe their improvements to the social state, and who derive their enjoyments from it, should as a society, make acknowledgements of dependence and obligation to Him who hath endowed them with these capacities and elevated them in the scale of existence by these distinctions..."

Solve the Problem

Continued from page 9

It's racist; why should a bank robber causing an inadvertent death face the ultimate penalty while the bank manager gets a slap on the wrist? (You're right, and if you can prove a chain of proximate causation in the case of the white-collar criminal "causing" a heart attack in one of her victims, go ahead and invoke the felony murder rule. Better yet, make the penalty for both white-collar felony theft and for bank robbery life in prison without parole).

What about rehabilitation? (What about it? Don't accept unthinkingly the corollary assumption that a rehabilitated criminal need be released from prison. Let the offender be ever so chastened by his time behind bars, a kinder and gentler abomination, but don't let him out. If he really has acquired a new-found concern for the welfare of the rest of society, then he'll readily understand the justice of this position).

This goes against deterrence. (This, I think, is the strongest argument against my position. If the penalty for both burglary and for murder is life in prison, what will deter the burglar when confronted from concluding; what the hell, I'm subject to life imprisonment anyway, might as well pull the trigger. I concede that this is a genuine concern, but I still feel that the more overwhelmingly positive incapacitating effect will far outweigh these incidents. Besides, what deters the armed drug dealer now, in her confrontations with police?)

But a poor social environment leads to crime, and it's unfair to penalize so severely people who have been victims their entire lives. (AAhhh. This, I think, goes to the crux of the matter; it's a chicken or egg proposition. If creating a health social environment would lead to less crime, then isn't it also true that a reduction in crime would lead to a more health social environment? Pity the law-abiding person in the crime-ridden ghetto, struggling to support her family and the shield her brood from the horrors outside (or inside). What better way to nurture these positive impulses than to quash the destructive ones?)

We have come full circle. The ready acceptance of crimes violent to persons or property (as if these two can ever really be disentwined) is not normal. Violent crime is gross, intrusive, extreme. The solution must be correspondingly so. If we ever decide to come to grips with the problem and are willing to fight fire with necessary fire, then maybe someday our kids will walk freely and our women will be able to jog wherever the hell they please. There's no excuse for not straightening out the criminal justice mess in our lifetimes. Our country has got a real problem — let's just solve it. On ice, ice, baby.

John Cody is a first-year student at the SUNY-Buffalo Law School.

Trial Advocacy

Continued from page 1

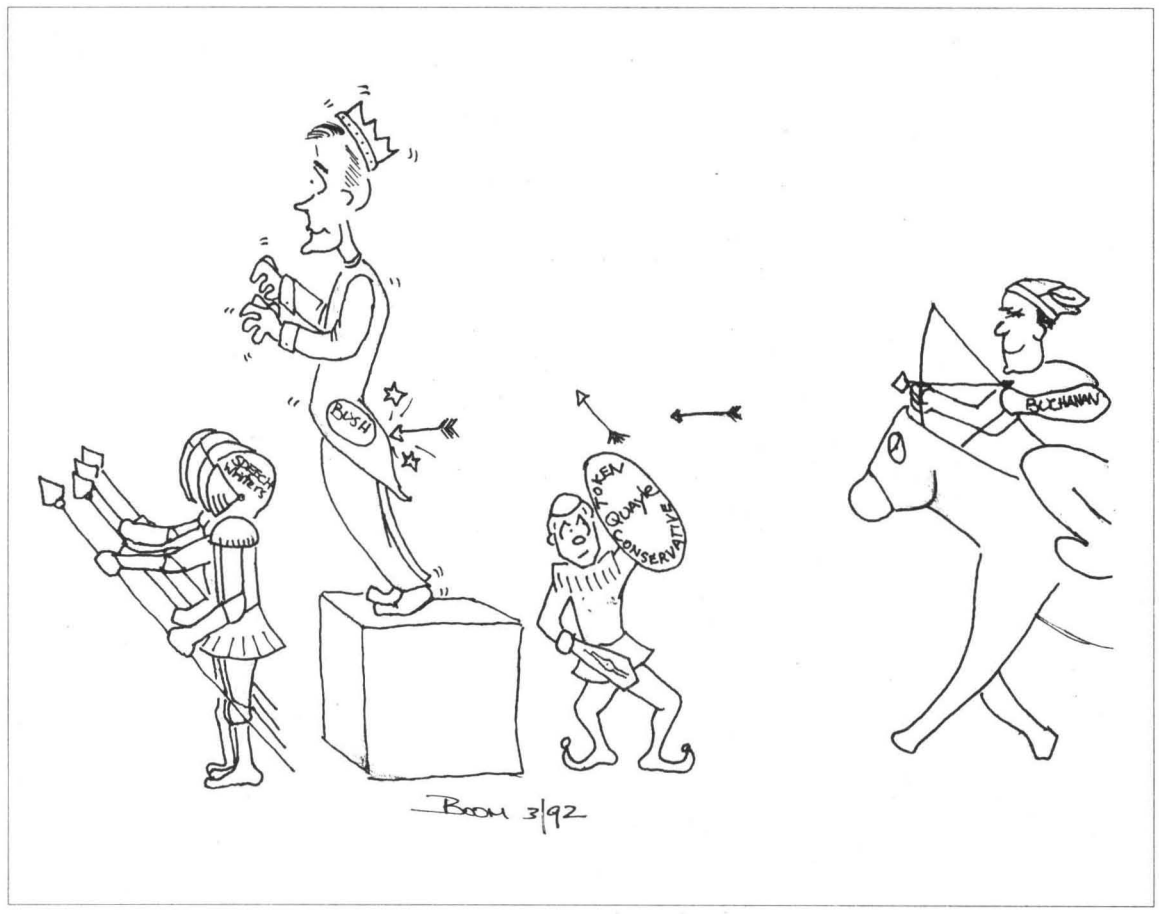
many different practitioners was confusing because each style seemed persuasive and every stylist was convinced that his or her approach was the best. We quickly learned that most litigators do not suffer from law self-esteem or a lack of confidence. However, as we progressed we learned the most valuable lesson: everyone has their own style and a natural flow is the most persuasive. Once we developed our individual styles, we were able to pick apart those qualities and tactics that the visiting judges exhibited and incorporate them into our repertoire. The team would like to thank all the visiting judges for their help.

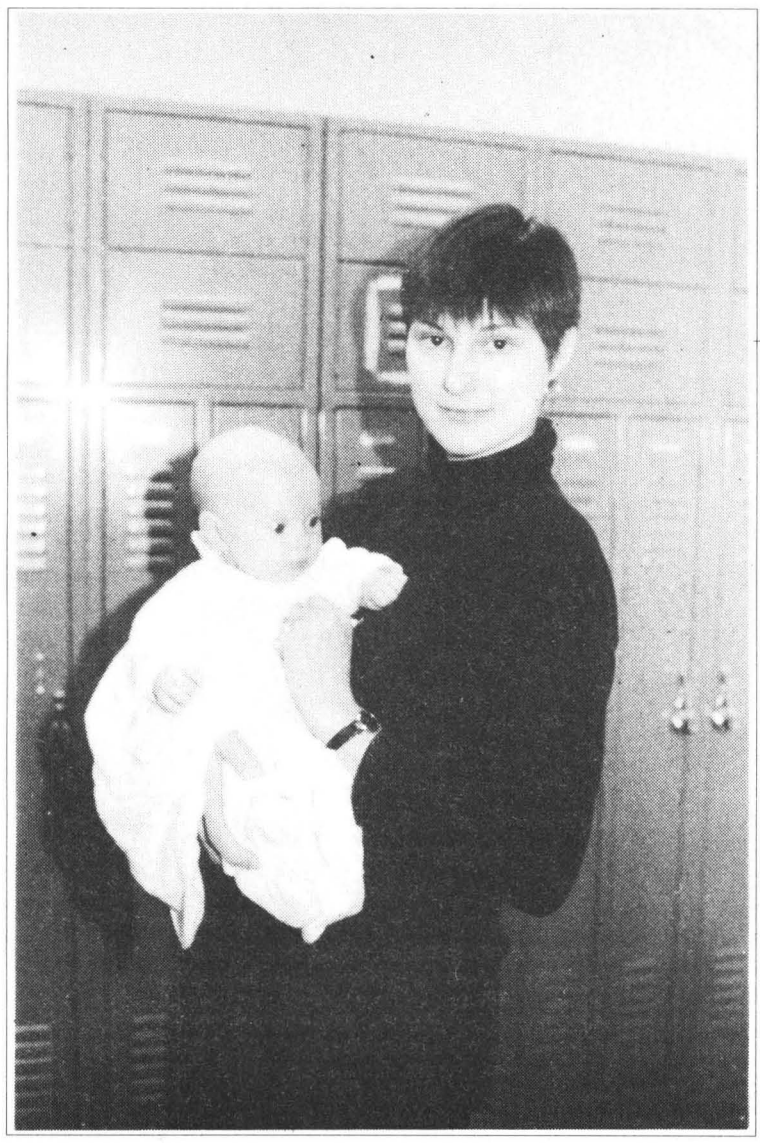
Our coaches, Professors Green and Kainen, assisted us primarily in developing the most crucial aspect of trial preparation: the theory of the case. It cannot be overemphasized that a coherent theory of the case, however simple, which is supported by the facts is the key to success as a litigator. In fact, as practice rounds progressed, the theory of each side would develop further, what once seemed airtight became implausible; what seemed ridiculous became persuasive. The candid, and often blunt, give and take among the team members and coaches was one of the highlights of participation in this competition. In addition, both coaches have had extensive trial experience and their insights into evidentiary issues were invaluable.

Our guiding light throughout the process was our editor, Andrew Crabtree. Andrew's organization in scheduling judges to evaluate us, in providing witnesses to practice on and in dealing with an often unsympathetic registrar's office to get rooms to practice in was remarkable. Andrew also faithfully assisted us as friend and coach. As he was the only "objective" person who saw us practice every night, he played a pivotal role in monitoring our progress. He also organized a fun-filled post-competition bash. Andrew has set a standard for future editors.

In the end, Fordham placed ninth out of twenty-five teams and was narrowly edged out of the eight quarterfinal slots. The Fordham teams defeated Yale and knocked-out Syracuse, the winner for the prior two years. It is noteworthy that the advancing schools offered credits to participating members. Future teams will also have to contend with a newly-instituted "seeded draw" designed to benefit the historically dominant schools.

Finally, the team is eternally grateful to the student witnesses who selflessly volunteered their time to help us prepare for the competiton. Specifically, Caroline Chua, Raymond Liddy and Helen Rho are to commended not only for all the nights they were prepared for us even though we were not prepared for them, but also for their zeal in approaching the problem. Each of them treated the competition as seriously as the team members, and Fordham's teams were better because of it. For the second-years reading this: Save your evidence notes, take Trial Advocacy in the fall, try out for the team and finish the take we helped along!





Fordhams latest addition, Katya, born November 7, 1991, shown with her law student mother, Anke Kramer. ,

Rangers

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too much. The Rangers have this tradition of sparkling early and then fizzing late. The only years they have reached the semi-finals in the recent past was in 1986, and the last time they reached the Stanley Cup finals was in 1979. The more recent trend has been to bow out of the first or second round with a wimper.

1986 was a memorable year, as the Rangers reached the Wales Conference final , only to have their tushies skated out of the Montreal Forum by the Canadiens. But the Patrick Division final against the Capitals was hockey at its thrilling best. I was lucky enough to have sat behind the goal in the Orange Seats in game six of that series. The Rangers won the game 2-1 behind Beezer's stellar goaltending, to take the series 4-2. The image of Beezer raising his arms into the air as time expired was memorable. The Garden crowd stayed and cheered wildly for at least 15 minutes. You were never in a louder building.

Then came the Canadiens.

Oh, those Canadiens, the same Canadiens who derailed that miracle 1979 Ranger team led by then goaltender and current TV analyst John Davidson. In '79 the Frenchies beat the Rangers in the Stanley Cup Finals 4 games to 1. In 1986, they bounced the Rangers again, this time in the Wales Conference Finals, 4 games to 1. If the Rangers make it out of the Patrick Division in this years playoffs, their likely foe will again be the Canadiens.

Will this year be different?

One last note to Ranger fans: If the Rangers do win the Stanley Cup this year, you all have the God-given right at all future Ranger-Islander games to chant "1983!...1983!...1983!" the same-way Islander fans chant "1940!...1940!...1940!" The last time the Islanders won the Stanley Cup was in 1983.

BRIEF-ly: The New Jersey Nets have a better starting five than the Knicks. Think about it.... Right now the Nets are tied for the seventh playoff spot in the Eastern Conference, and the Knicks are in first place in the Atlantic Division, which means that the Knicks can be seeded no lower than second. This adds up to a Knicks-Nets first round playoff series. Pretty exciting, eh?

Q: How do you know when a lawyer is lying?

A: His/her lips are moving.

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open bar
hors d'oeuvres
sit down dinner
dancing
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Judicial Commission

Continued from page 3

contindiscussed the establishment of an optional tutorial program at Fordham and the effort to get the Admissions Committee to take a minority member. She also discussed the efforts to get more people of color on the faculty, moving to get minority applicants to submit resumes and then to get attention paid to those applications here at school. Another third-year said she had had mixed experiences but that it was easier to focus once she knew what she wanted out of the law school experience. She also argued that more focus was needed on minority affairs at Fordham, that people of color shouldn't just settle for one or two people on Law Review but had to address the concerns of the collective minority community. She pointed out, by way of example, that the day division of the Class of 1992 had no black males and expressed incredulity at the idea that the school couldn't find one qualified black male.

Ms. Handy closed out the discussion by stating that is was important for minority law students and lawyers not to allow themselves to be defined by others and to remember what they bring. Citing herself as an example, she related how she had once been involved in an issue involving an unusually large number of asthma cases at a particular hospital. She was the only person of color in a group of lawyers which she described as having had grandfathers who studied law at Yale and Harvard. She, however, had grown up in that neighborhood and knew of a nearby factory that manufactured drugs and remembered the odor it emanated and knew to suggest an environment study of that neighborhood.

Those students who are interested in participating in an exchange program with cuban law students please contact:

Maritza Bolaño
President,
Latin-American
Law Students
Association
(LALSA)
(212) 636-6950
or
Leave your
name, year & telephone
at the International
Law Journal Office

Professor Margorie Martin

Professor Marjorie Martin Produces Second Annual Art Show

By Diana Thompson

What offers paintings, drawings, collages, photographs, sculpture, sheet music, and poetry, remains open from 7am until 1am, and is free? The Fordham Law School Art Show!

In early April, Professor Marjorie Martin will once again transform stack level six of the library into aneclectic art gallery. The show will end on graduation day. She invites all artistic law students to participate.

Prof. Martin asserts that law students should know that some of their colleagues are artistic. She maintains that students and staff members should receive pleasure from their surroundings, "There's a lot of creativity here; we should show it off," stresses Martin.

Two years ago, Prof. Martin mentioned her idea to Dr. Vivienne Thaul Wechter, Fordham University's artist-in-residence, who sets up the art shows on the plaza and elsewhere in Lowenstein. She excitedly embarced Martin's idea.

Last year's participants included students, alumni, professors, and staff members. This year's artists include members of the same legal community, as well as Edmund ("Eddie") DiDonna, a playwright who works in the Faculty's Secretary Office. Also participating are a student from Fordham's Graduate Business School, and possibly the daughter of one of the law school's professors.

Professor Martin will not participate as an artist. She professes to have no artistic talents. She believes, however, that each person is creative in some way. Prof. Martin's creativity shows in her ability to organize worthwhile events. Not only is she responsible for the school's art shows, she was instrumental in arranging for Professor Anita Hill to speak at the annual dinner of the New York City Women's Bar Association. This event will occur at Tavern on the Green on May 20th.

Throughout her life, Prof. Martin has enjoyed diverse art experiences in a variety of settings. Because her father was an Army officer, her family moved often. She lived with her parents and younger sister in Colorado, Kentucky, Missouri, North Carolina, Texas, Germany, and Japan, before finally settling in New York.

Japan had the greatest effect on her. She enjoyed the writing, language, manners, and the dynamics of interpersonal relationships of Japanese society.

Prof. Martin is not a critic, although at least once a week she attends an opera, play, ballet, or concert. She enjoys everything she sees. She is excited just by the presentation of artistic expressions, especially if it is live.

Prof. Martin wants students to know that there is more to law school than books, "Don't leave your `self' behind when you walk through the doors" she says.

If you have works of art to lend, please call Prof. Martin at 636-6827 before the spring break. Whether you are an architect, textile designer, or weaver, your creative masterpiece will receive the finest professional treatment.

Arts and Entertainment Guide for Midsemester Breaks

By Diana Thompson

Women's History Celebration

3/14, 3/21, 3/28
"Boxing for Beauty and Defense"
Gleason's Gym
75 Front Street, Brooklyn
(718) 797-2872 10am - 2pm
$25

3/17
"Blind Justice - The Supreme Court: What Does It Mean For Women?"
Four speakers will discuss: right to privacy, freedom of speech, women & constitutional law, the empowerment of women to ensure justice.
East Midwood Jewish Center
1625 Ocean Avenue (Avenue K), Brooklyn
(718) 376-8164
9:30am - 3:00pm
$15.50 (includes lunch)

3/17
"Celebrating Puerto Rican Women Achievers"
Book party and photo exhibit.
John Jay College
445 West 59th Street
(718) 779-2504
5pm - 7pm FREE

3/26
"A View from the Bench"
Hon. Betty Weinberg Ellerin, N.Y. Supreme Court
Hon. Cecilia Goetz, U.S. Bankruptcy Court
Hon. Karla Moskowitz, Civil Court of N.Y.C.
Hon. Felice Shea, N.Y. Supreme Court
will be interviewed at
The Women's City Club of New York
35 East 21st Street
353-8070
5:30pm - 7:00pm $5
(Read the Women's History Month Calendar adjacent to The Advocate's bulletin board for more events.)

Exhibitions

Now - 3/22
"... And Then Columbus"
This exhibition examines the pre-Columbian contributions of Africans and Native Americans to the Western Hemisphere, and destroys the myth of Columbus as "discoverer" of America.
Surrogate's Court Building Lobby
31 Chambers Street
Mon. - Fri., 9am - 5pm
(Sponsored by The Caribbean Cultural Center, 307-7420.), FREE

Now - 3/28
"We're Still Here: Contemporary Native American Art"
American Indian Community House
708 Broadway, 2nd floor
598-0100
Tues. - Sat., Noon - 6pm.
FREE

Now - 5/23
"Body and Soul: The Alvin Ailey American Dance Theater"
Videos, photographs, costumes, and other memorabilia of this modern dance company.
Main Gallery of the S.C. Davis Museum,
Library for the Performing Arts, Lincoln Center
870-1721
Mon. & Thurs., Noon - 8pm
Wed. & Fri., Noon - 6pm
Sat. 10am - 6pm FREE

Music

3/18
"Music for Harp"
Julliard School Concert
Alice Tully Hall
1941 Broadway (65th Str.)
No tickets required.
1pm FREE

3/21
Moscow Philharmonic
Carnegie Hall
8pm. $13 - $60
$5 for students who arrive at 6pm.

3/22
"Music from Japan"
Artists and musicologists will discuss traditional Japanese music, jazz, and contemporary music.
The Asia Society
725 Park Avenue, 288-6400
$3

3/27
"A Salute to Andrew Lloyd Webber"
The New York Pops
Skitch Henderson, Founder & Music Director
Music from Phantom of the Opera, Evita, Cats, and Jesus Christ Superstar.
Carnegie Hall
8pm. $12 - $50, $5 for students who arrive at 6pm.

4/3
Mitsuko Shirai, Mezzo-soprano
Hartmut Holl, pianist
Carnegie Hall
8pm. $18, $5 for students who arrive at 6pm.

4/7
Garrick Ohlsson, Pianist
Only N.Y. Recital
Carnegie Hall
8pm. $8 - $25
$5 for students who arrive at 6pm.

4/14
City of Birmingham Symphony Orchestra
Carnegie Hall at 8pm.
Pre-Concert Lecture on Ravel's Daphnis et Chloe by Lawrence Kramer, Professor of English and Comparative Literature at Fordham University
6:45pm - 7:15pm.
$12 - $45
$5 for students who arrive at 6pm.

5/2
Ella Fitzgerald
Radio City Music Hall
8pm. $30, $40, $50

Other Activities

3/13 - 3/15 & 3/20 - 3/22
Spring Crafts Market
American hand-made products of leather, wood, blown glass, etc. Jewelry, apparel, ceramics, and other items.
Columbia University
Ferris Booth Hall
115th Str. & Broadway
866-2239
Fri., 2pm - 8pm.
Sat. & Sun., 11am - 6pm.
$5

3/14 - 3/22
"Discovery '92: 500 Years of Flower & Garden Exploration"
The New York Flower Show
15,000 square yards of natural beauty produced by regional and international exhibitors.
Three lectures each day.
View and purchase many varieties of plants.
Pier 92 & The Hudson River
West 51st Str. - West 55th Str.
757-0915
$8 weekdays, 10am - 8pm
$10 weekends, 10am - 6pm
Call for discounts for groups of five or more adults.

Book Review: Compelling Evidence

Compelling Evidence
By Steve Martini
G.P. Putnam's & Sons, 379 pgs, $21.95

By Stuart Kohn

Compelling Evidence, by Steve Martini, is a wonderfully crafted courtroom thriller in the vein of Scott Turow's Presumed Innocent — it is a taut shocker that is absolutely impossible to put down. In fact, I suggest that you read this over spring break so your grades don't suffer, because this is the first book to come along that lives up to the standard set by Scott Turow.

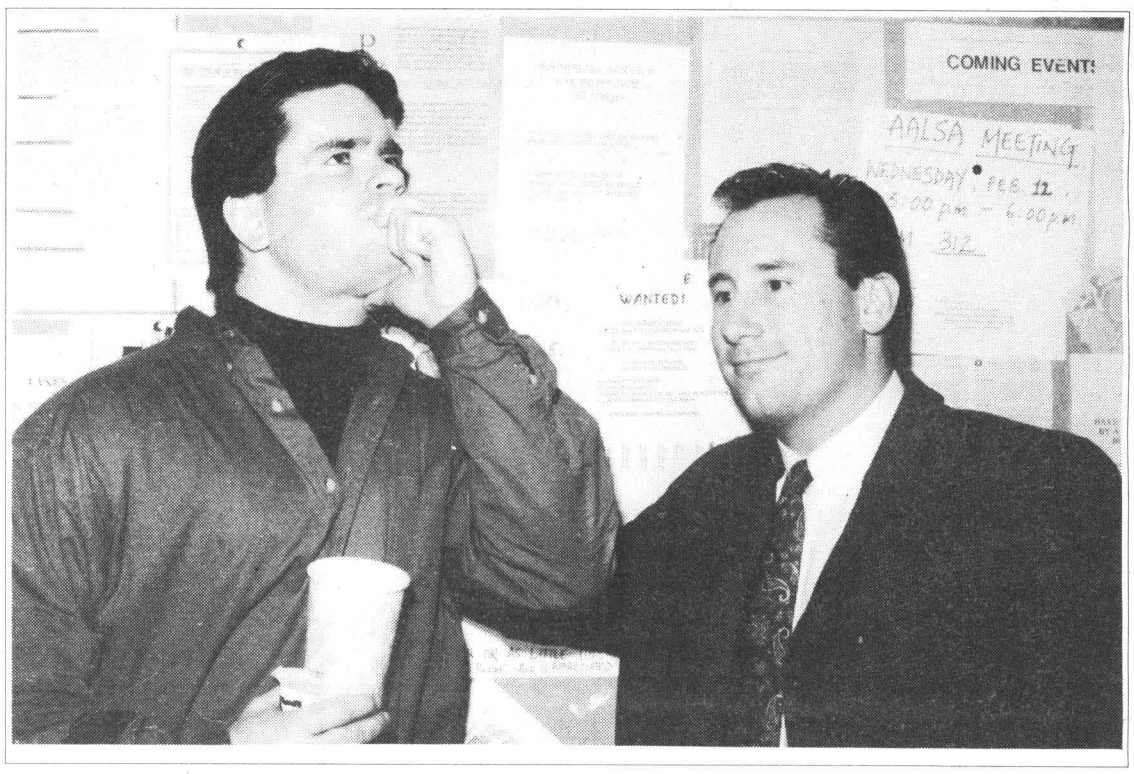
Compelling Evidence centers around attorney Paul Madriani. Once a successful corporate attorney-on-the-rise, Madriani has fallen on hard times as the result of a self-destructive affair with the stunning and seductive Talia, wife of his former boss and mentor, Ben Potter. In a twist of fate, Potter, who is about to be nominated to the Supreme Court, is found brutally murdered. It first appears to be a messy suicide, but soon Talia is indicted for the murder of her husband. Facing the death penalty, Talia turns to her former lover, Madriani, to save her life.

What follows is an intense courtroom drama and murder mystery. Martini adroitly explains the fine details of courtroom strategy. His characters are sharply drawn and appear true to life — if not original, as in Presumed Innocent there is an alienated wife, a faithful but cynical sidekick, and of course there is the manipulative mistress. In particular, Madriani is endowed with a dry, insightful, and penetrating sense of humor. Through Madriani, the reader learns how a murder case progresses both inside and outside of court — from the autopsy and the preliminary hearing to the final courtroom.

Compelling Evidence offers an authoritative and uncompromising look at our legal system. You might even learn something that you missed in your Evidence class. Move over Scott Turow, Steve Martini is here.

The Roving Reporter Asks:

What Are You Doing Over Spring Break?



L: Andy Smith 2nd Year Day "I'm going to spend the week making the world a better place to live."
R: Jon Shields 2nd Year Day " Im going to St. Thomas or Kentucky depending on air fare."

Joe Malone, 3rd Year Day
"I refuse to commit myself to a statement."

Martine Thurin, 2nd Year Day
"Home studying and helping my brother prepare for his first major fashion show."

Sal Scannapieco, 2nd Year Day
"I'll be pumping up whenever I can."

Mary O'Sullivan, 1st Year Evening
"Are you kidding?! I have to work. But just having vacation from school is a pleasure."

Edward Hosp, 1st Year Day
"Going to R.I. to work on the beard and the lumberjack song."

Melissa Werdiger, 3rd Year Day
"Going to Neda Nassiri and Chris Mervilla's wedding in Philly and , hopefully going to N.H. to ski."

Patriot Games

By Chris Downey

If you were at the Fordham-Army game at the Rose Hill Gym on January 29 (which you weren't at because I would have met you there), you might have come away with this impression of the fledgling Patriot League:

Who is Fordham trying to kid, anyway? You leave the respectable Metro Atlantic Athletic Conference for this motley crew of barely division one talent? The Patriot League commands so little respect that the NCAA made Fordham, last year's league winner with a 25-8 record and the longest winning streak in the NCAA, play the winner of the Northeast Conference just to get a tournament bid. And here is Army, taking its 3-14 record down to the Bronx, falling behind 14-3 in the first four and a half minutes before a crowd rivaling in size and enthusiasm the throng that packed McNally for "The Political Ecology of Corporate Takeovers." Why doesn't Fordham just cut its losses and rejoin the MAAC before its basketball program is lost forever? If you weren't at the game, don't know much about college basketball and you did attend "The Political Ecology of Corporate Takeovers," then perhaps you have this impression of Fordham's decision to join the Patriot League:

In a world of college basketball where another word for a coach who wins 25 percent of his games and graduates 90 percent of his players is "unemployed," where coaches receive six-figure kickbacks from sneaker companies and book their teams on the red- eye to play a midnight game halfway across the country for ESPN, it's refreshing to see a university take the moral high road. Schools in the Patriot League award no athletic scholarships and are academically excellent from top to bottom. The Patriot League is a poor man's Ivy League that will enhance the national reputation of all its members.

Was Fordham's decision to join the Patriot League a good idea? Well, don't ask LaSalle if Fordham's former home, the MAAC is a great league. The perennial MAAC powerhouse is bailing out to join the Midwestern Collegiate Conference next year. (Of course Philadelphia is the first city you think of when you think midwest. Right up there with Dayton). A LaSalle-less MAAC includes Manhattan, Siena, Niagara, St. Peter's, Fairfield, Canisius and Iona. That's no great leap above the Patriot League.

The Patriot League

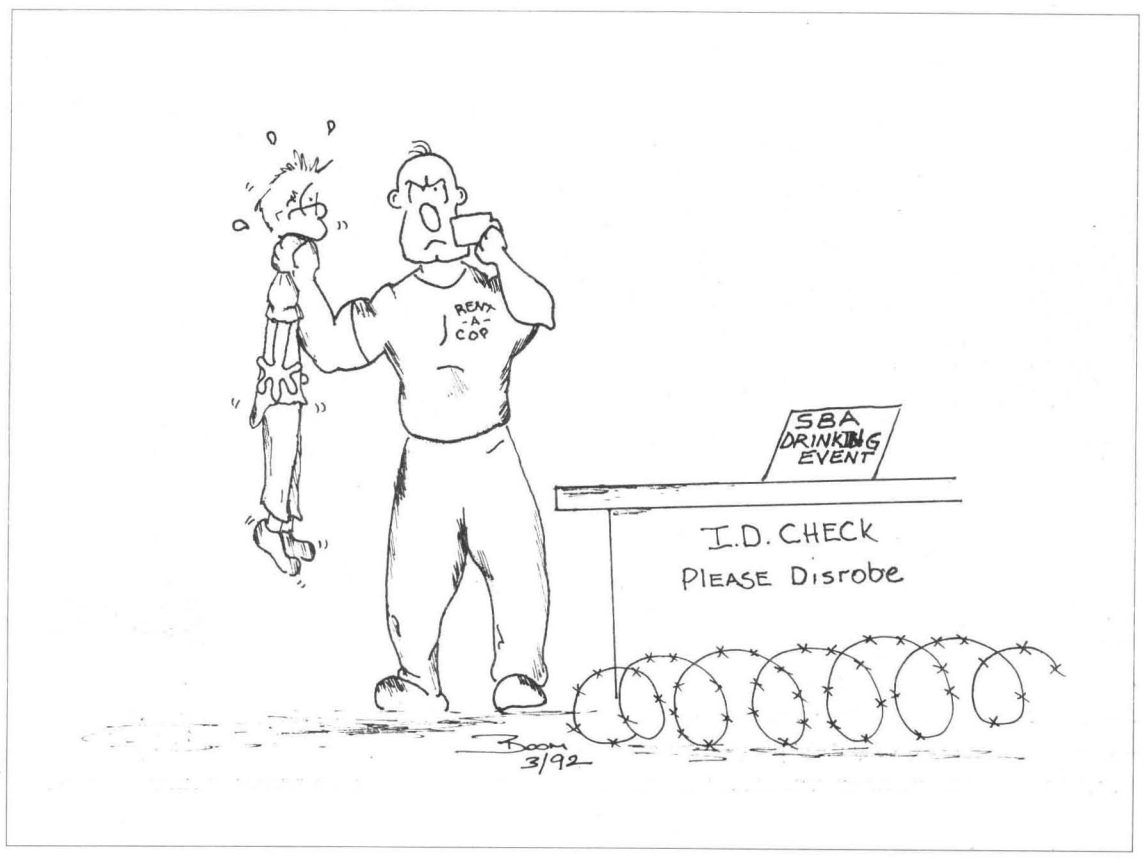
- Army
- Bucknell
- Colgate
- Fordham
- Holy Cross
- Lafayette
- Lehigh
- Navy

League. Don't forget that any minor loss Fordham suffers in basketball competition it more than makes up for in football. Lafayette, Holy Cross and Bucknell have well-deserved reputations for excellence on the gridiron. While failing college basketball programs are easier to turn around than college football programs, Fordham has laid a strong foundation for the future.

Recruiting may also improve. Under the new NCAA eligibility requirements, high school students must now maintain a 2.5 g.p.a. in addition to scoring a 700 on their SATs to be eligible to play college ball. That doesn't seem like much but its going to send scores of once eligible freshman into the nation's junior colleges. Good basketball players with top grades will likely find Patriot League teams attractive. While the league offers no pure athletic scholarships, it does award scholarships to athletes based on need, making it a lower cost option to the ivies.

The NCAA is also requiring all juniors to have completed two years of course-work toward their majors and all seniors to have completed three years toward their major to be eligible. That's going to deliver a devastating blow to the North Carolina States and Louisvilles who graduate single digit percentages of their players. Fordham and the other Patriot League members already meet and exceed the NCAA requirements, allowing them to maintain stable rosters when the rules kick in. The end result of the NCAA rules is that the quality of play in college basketball will probably go down overall, at least until the high schools respond by better preparing their student-athletes for college. This is going to be addition by subtraction for the likes of Fordham and the Patriot League.

There is another argument that says the new NCAA rules won't make any difference at basketball factories like UNLV because these schools will always have enough gut courses on hand to meet the requirements. (What was that University of Miami major they kept flashing during the Orange Bowl? Kinesthics? Kinesthesiology?). But this latest NCAA edict isn't likely to be the last. Eventually, the rules will have some bite. That's when conferences like the Patriot League, whose members actually share a geographic region and an academic philosophy, will stick around while the many conferences formed for the sole purpose of getting their own slice of the television money pie will be long gone.



So You Think the Rangers Might Win the Stanley Cup?

By Rich DeAgazio

As most hockey fans know, the New York Rangers haven't won a Stanley Cup in 52 years. In sports lore, this is quite a long stretch to go without a championship, rivaling the droughts of the Chicago Cubs and Boston Red Sox.

To give you an indication just how long ago it was since the Broadway Blues got a chance to raise the Cup, Franklin D. Roosevelt was the President, and Adolf Hitler's generals were planning the *blitzkrieg* on neighboring France. The attack began in May 1940 and ended rather successfully (for the Nazis, that is) about six or seven weeks later.

1940 was also the last year the poor Rangers won the Stanley Cup. In case you're counting, that was four wars, 10 presidents, and 51 Stanley Cups ago.

All this talk of Lord Stanley, of course, is due to the Rangers' phenomenal success this year, which has led the fans and the media to tout the New Yorkers as the front runner in the race for the Cup. (Parenthetically one might wonder, since the Rangers are the "front runner," whether Gennifer Flowers has slept with the team recently, and what effect this will have on their energy level).

Presidential politics aside, your optimism about the Rangers is justified, despite their tendency to peter out as the playoffs approach. Despite playing in the toughest division - the Patrick - the Rangers have the most wins (42) and the most points (88) of any team in the league. The reasons for their success this year are readily apparent.

First, the Rangers have the best goaltending tandem in the league in John Vanbiesbrouck and Mike Richter. This depth paid great dividends recently, with Beezer playing 12 consecutive games while Richter was nursing a thigh injury; the Rangers didn't skip a beat. If the Rangers trade either one of these guys, they're nuts.

Second, the Rangers have one of the best defensemen in the NHL in Brian Leetch, who leads all defensemen in scoring with almost 80 points. Leetch is not only the best offensive defensemen in the leauge, but he is solid in his own end as well. His partner, Jeff Beukeboom, said recently that Leetch never makes a mistake on defense. All of the great Stanley Cup winners have had great defensemen - Paul Coffey with the Oilers and Penguins, Al MacInnis with the Flames, Denis Potvin of the Islanders, and Bobby Orr with the Bruins all come to mind - and the Rangers have one in Leetch.

Third, the Rangers finally have some *bona fide* tough guys - such as Joey Kocur, Kris King, Adam Graves, and Jeff Beukeboom - who aren't afraid to throw the body. In the past, the Rangers were easily intimidated by bigger opponents like the Flyers and Canadiens. This year the Rangers are intimidating the rest of the league. These bruisers have hockey skills too: Graves has 20 goals playing on a line with Mark Messier; Beukeboom has been a steady force in front of the net playing in tandem with Leetch; and King has 10 goals playing on the checking line.

Fourth, the Rangers, who are fourth in the league in goals-scored. have enough firepower to go all the way. Messier, of course, is a premier center who leads the team in points, and Leetch is an all-star. Winger Mike Gartner is on a 40+ goal pace, as usual. Finally, guys like Rookie of the Year candidate Tony Amonte (28), Sergei Nemchinov (27), Darrin Turcotte (25) and Adam Graves (20) surround Messier, Leetch and Gartner with plenty of scoring touch.

But most important to the Rangers' success this year has been the leadership and skills of Messier. Messier is a born leader, plain and simple; he just will not stand to lose. (One even wonders whether the Oilers would have won all those Stanley Cups without him, Wayne Gretzky notwithstanding). As an indication of how much the players respect Messier, several Rangers nominated him as captain just days after the trade that brought Messier to New York and sent Bernie Nicholls, Steven Rice and Louie DeBrusk to Edmonton. There's no need to speculate who got the better of that deal. If playing 35 minutes per game doesn't kill him, Messier just may be the one to bring a Cup to Manhattan after all these years.

But knowing the Rangers as we do, we know not to get our hopes up

continued on page 11

BAR/BRI
BAR REVIEW
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PLACE: Ramada Hotel at Madison Square Garden
TIME: 11AM to 3PM

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DATE, PLACE AND TIME TO BE ANNOUNCED

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TIME: 10AM to 4PM

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